

2014-1123

**United States Court Of Appeals
for the Federal Circuit**

POWER INTEGRATIONS, INC.,
Appellant,

v.

MICHELLE K. LEE,
Deputy Undersecretary of Commerce for Intellectual Property,
Deputy Director U.S. Patent & Trademark Office,

Appellee,

APPEALS FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
IN CASE NO. 11-CV-01254, JUDGE BARBARA J. ROTHSTEIN

**POWER INTEGRATIONS' UNOPPOSED MOTION
TO STAY THE APPEAL PENDING THE COURT'S RESOLUTION
OF *IN RE TELES***

Frank E. Scherkenbach
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02110-2804

Howard G. Pollack
Michael J. Headley
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063

Craig E. Countryman
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130

CERTIFICATE OF INTEREST

Counsel for Power Integrations, Inc., certifies the following:

1. The full name of every party or amicus represented by me is: Power Integrations, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is: N/A.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are: N/A.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Fish & Richardson P.C.: Frank E. Scherkenbach, Howard G. Pollack, Michael R. Headley, and Craig E. Countryman.

Wiley Rein: Andrew G. McBride, William S. Consovoy, Thomas R. McCarthy, and Claire J. Evans.

Dated: January 21, 2014

/s/ Craig E. Countryman
Craig E. Countryman

Power Integrations respectfully moves to stay the briefing and all other deadlines in this appeal pending this Court's decision in *In re Teles*, Appeal No. 2012-1297.

This case and *Teles* both present the same threshold question—whether a patent owner may challenge the Patent Trial and Appeal Board's decision rejecting patent claims by filing a civil action in district court under 35 U.S.C. §§ 145 and 306. In both *Teles* and this case, the patent owner filed such a challenge in the U.S. District Court for the District of Columbia. In both cases, the district court concluded that a civil action under sections 145 and 306 was not available and transferred the cases to this Court. The *Teles* case came to this Court over a year before this case, and the common threshold issue was fully briefed in that appeal, with Power Integrations participating as an amicus curiae. *Teles* was argued on January 8, 2014 to a panel consisting of Judges Dyk, Moore, and Wallach. It is likely that the panel's disposition of the threshold issue in *Teles* will impact the outcome of this case. It would therefore be inefficient to brief the issue again in this case for both the parties and the Court. Therefore, Power Integrations respectfully asks the Court to stay the merits briefing and all other deadlines in this case until the *Teles* case is decided, with deadlines to be reset for no sooner than 45 days after the panel's disposition of the *Teles* case.

Power Integrations has conferred with counsel for Appellee, who has indicated that the Director does not oppose this motion.

Dated: January 21, 2014

Respectfully submitted,

/s/ Craig E. Countryman

Craig E. Countryman

FISH & RICHARDSON P.C.

12390 El Camino Real

San Diego, CA 92130

Telephone: (858) 678-5070

Facsimile: (858) 678-5099

Attorneys for Appellant,

Power Integrations, Inc.

CERTIFICATE OF SERVICE AND FILING

I certify that I electronically filed the foregoing document using the Court's CM/ECF filing system. Counsel was served via CM/ECF on January 21, 2014.

Mr. Daniel E. O'Toole
Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Room 401
Washington, DC 20439

Nathan K. Kelley
Amy J. Nelson
Scott Weidenfeller
United States Patent and Trademark Office
Office of the Solicitor
P.O. Box 1450
Mail Stop 8
Alexandria, VA 22213-1450

Attorneys for Appellee

/s/ Craig E. Countryman
Craig E. Countryman